

REMARKSA. Period For Reply

A shortened statutory period for reply was set to expire one month from the mailing date of the Office Action of August 11, 2004. This paper is being filed on or before September 11, 2004.

B. Status

The Office Action of August 11, 2004 was an election/restriction requirement.

C. Disposition Of Claims

Claims 1, 2, 5, 10-12, and 29-42 are pending.

D. Application Papers

At the appropriate time, approval of the formal drawings would be very much appreciated.

E. Priority under 35 U.S.C. §§ 119 and 120

As to foreign priority, this case does not claim foreign priority.

As to domestic priority, this case does not claim domestic priority.

F. Attachments

Applicant has filed two PTO-1449 forms in this case, one with the filing of this case on January 18, 2002 and one on April 28, 2003. These PTO-1449 forms have been signed and all of the references listed on the forms have been initialed by the Patent Office. This is appreciated.

G. Basis for amendments to claims or basis for new claims

Basis for new claims 29 and 36 is found in the specification at least on page 12, lines 5-13.

Basis for new claims 30 and 37 is found in the specification at least on page 12, lines 14-15.

Basis for new claims 31 and 38 is found in the specification at least on page 12, lines 5-15.

Basis for new claims 32-35 and 39-42 are found in the specification at least on page 12, lines 24-25 where the Poulsen et al. U.S. Patent No. 4,367,732 is incorporated by reference in its entirety. Disclosures from the Poulsen et al. reference have been placed into the specification via the above noted amendment, which is permitted by MPEP 2163.07(b), which provides that:

Instead of repeating some information contained in another document, an application may attempt to incorporate the content of another document or part thereof by reference to the document in the text of the specification. The information incorporated is as much a part of the application as filed as if the text was repeated in the application, and should be treated as part of the text of the application as filed. Replacing the identified material incorporated by reference with the actual text is not new matter.

H. The Office Action

The Election/Restriction dated August 11, 2004 identified the following species:

- 1) Species 1 directed to Figure 1B, 5A-5B;
- 2) Species 2 directed to Figures 2A-2D;
- 3) Species 3 directed to Figure 7A;
- 4) Species 4 directed to Figure 7B;
- 5) Species 5 directed to Figure 8A;
- 6) Species 6 directed to Figure 8B; and
- 7) Species 7 directed to Figure 9.

Applicant is being required to elect a single disclosed

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species for prosecution on the merits.

In response, Species 1 directed to Figure 1B, 5A-5B is hereby elected with traverse.

Applicant is further being required to include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added.

In response, applicant hereby identifies the species as Species 1 directed to Figure 1B, 5A-5B. Further, the following is a list of claims readable on Species 1 : 1, 2, 5, 10, 11, 12, and 29-42 (i.e., all of the claims presently in the case).

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Signature of Practitioner
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